

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claim 18, claims 16, 17, and 19 to 31 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

### **II. Rejection of Claims 16 to 26, and 28 Under 35 U.S.C. § 102(b)**

Claims 16 to 26, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by International Patent No. WO 01/153675 ("Nau et al."). Claim 18 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 18. It is respectfully submitted that Nau et al. do not anticipate the present claims for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 16, as presented, relates to an atomization system for a fuel, including, *inter alia*, a connecting tube capable of receiving a temperature-adjusted substance stream; and *at least one metering device configured to meter fuel at at least one metering point into the connecting tube*; wherein, *the connecting tube has at least one atomization point located downstream of the at least one metering point*, and wherein *the metering device is a low pressure fuel injector*.

Nau et al. do not identically disclose, or even suggest, all of the claimed features of claim 16, as presented. Nau et al. merely indicate an outlet opening 26 in the form of an atomizing nozzle. (Nau et al., ¶ 18). Nowhere do Nau et

al. identically disclose, or even suggest, a connecting tube, or a metering device configured to meter fuel at a metering point into a connecting tube, as provided for in the context of claim 16, as presented. Thus, Nau et al. also do not identically disclose, or even suggest, that a connecting tube has an atomization point located downstream of a metering point, or that a metering device is a low pressure fuel injector, as provided for in the context of claim 16, as presented.

Accordingly, Nau et al. do not identically disclose, or even suggest, all of the features included in claim 16, as presented. As such, it is respectfully submitted that Nau et al. do not anticipate claim 16.

As for claims 17, 19 to 26, and 28, which ultimately depend from and therefore include all of the features included in claim 16, it is respectfully submitted that Nau et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claims 16, 18, 20, 22, 27, 28, 30, and 31 Under 35 U.S.C. § 102(b)**

Claims 16, 18, 20, 22, 27, 28, 30, and 31 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 1,631,771 (“Sheather”). Claim 18 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 18. It is respectfully submitted that Sheather does not anticipate the present claims for at least the following reasons.

Sheather does not identically disclose, or even suggest, all of the claimed features of claim 16, as presented. Sheather merely indicates two supply pipes 14, 15, a mixing chamber 13, and a head 17 with slots 19, 20. (Sheather, lines 44 to 74). Further, Sheather states that the pipes 14, 15 may have “suitable valves.” (Sheather, line 99). However, nowhere does Sheather identically disclose, or even suggest, that a metering device is a low pressure fuel injector, as provided for in the context of claim 16, as presented.

Accordingly, Sheather does not identically disclose, or even suggest, all of the features included in claim 16, as presented. As such, it is respectfully submitted that Sheather does not anticipate claim 16.

As for claims 20, 22, 27, 28, 30, and 31, which ultimately depend from and therefore include all of the features included in claim 16, it is respectfully submitted that Sheather does not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claims 16 to 26, and 28 Under 35 U.S.C. § 102(e)**

Claims 16 to 26, and 28 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,872,379 ("Zähringer et al."). Claim 18 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 18. It is respectfully submitted that Zähringer et al. do not anticipate the present claims for at least the following reasons.

Zähringer et al. do not identically disclose, or even suggest, all of the claimed features of claim 16, as presented. Zähringer et al. merely indicate a nozzle 2 having a central infeed 20, a lateral infeed 21, and a nozzle tip 23. (Zähringer et al., col. 2, lines 40 to 42). Nowhere do Zähringer et al. identically disclose, or even suggest, a metering device configured to meter fuel at a metering point into a connecting tube, as provided for in the context of claim 16, as presented. Thus, Zähringer et al. also do not identically disclose, or even suggest, that the metering device is a low pressure fuel injector, as provided for in the context of claim 16, as presented.

Accordingly, Zähringer et al. do not identically disclose, or even suggest, all of the features included in claim 16, as presented. As such, it is respectfully submitted that Zähringer et al. do not anticipate claim 16.

As for claims 17, 19 to 26, and 28, which ultimately depend from and therefore include all of the features included in claim 16, it is respectfully submitted that Zähringer et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claim 29 Under 35 U.S.C. § 103(a)**

Claim 29 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sheather. It is respectfully submitted that Sheather does not render unpatentable the presently pending claim for at least the following reasons.

Claim 29, as presented, depends from claim 16, as presented. As more fully set forth above, Sheather does not disclose, or even suggest, that the metering device is a low pressure fuel injector, as provided for in the context of claim 16, as presented.

Accordingly, it is respectfully submitted that Sheather does not disclose, or even suggest, all of the features included in claim 16, from which claim 29 depends. As such, it is respectfully submitted that Sheather does not render unpatentable claim 29, which depends from claim 16.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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